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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,224	10/23/2003	Paul England	MSFT-2821/306377.1	8389
41505 7590 06/01/2007 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER LAI, MICHAEL C	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/692,224

Applicant(s)

ENGLAND ET AL.

Examiner

Michael C. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>13 oct 2006</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

This application has no priority claim made. The filing date is 10/23/2003.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 13 October 2006 was filed after the mailing date of the instant application on 23 October 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 9-15, 19-23 and 27-33 rejected under 35 U.S.C. 102(e) as being anticipated by Rothrock (US 7,174,320 B2, hereinafter Rothrock).
3. Regarding claims 1 and 19, Rothrock discloses a method of providing access to content on a system comprising:
- determining if a user has rights to access the content according to a content license associated with the content; and
  - when the user has rights to play the content:
    - reading a data structure in the content license defining at least one security factor ID and an associated factor value;

setting a security factor value for a security factor, the security factor corresponding to the security factor ID, to the associated factor value from the data structure;

establishing a ceiling value for each security factor ID;

wherein setting the security factor value for the security factor corresponding to the security factor ID to the associated factor value from the data structure comprises setting the security factor value only when the ceiling value is not exceeded by the associated factor value;

allowing access to the content; and

performing security processing by the system at a level based at least in part on the security factor value.

FIGS. 6 and 7 show flow diagrams of the process according to Rothrock's invention. Rothrock inherently discloses the method of securely obtaining a content access as described in the instant claims. The player application and the user are being considered as a resource requester/receiver.

4. Regarding claims 2 and 20, Rothrock further discloses performing signature verification of the content license prior to determining if the user has rights to access the content (Claim 2).

5. Regarding claims 3 and 21, Rothrock further discloses module identification information field identifies a program module. Signature comprises the digital signature

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of the contents of the SBDF (signed binary description file) (FIG. 3 and column 5, lines 52-61).

6. Regarding claims 4-5 and 22-23, Rothrock further discloses an adaptive security table including one or more entries. Each entry includes at least a security factor identifier (ID) and corresponding factor value. Each security factor references a particular security defense or feature that may be provided by the security system operating on the user's machine (FIG. 5 and column 6, lines 51-56).

7. Regarding claims 9 and 27, Rothrock discloses a method of providing adaptive security for access to content on a system comprising:

determining if a user has rights to access the content according to a content

license associated with the content; and

when the user has rights to play the content:

reading a data structure in the content license defining at least one security

factor ID and an associated factor value;

setting a security factor value for a security factor, the security factor

corresponding to the security factor ID, to the associated factor value from

the data structure;

establishing a ceiling value for each security factor ID;

wherein setting the security factor value for the security factor corresponding

to the security factor ID to the associated factor value from the data

structure comprises setting the security factor value only when the ceiling

value is not exceeded by the associated factor value;

allowing access to the content; and

performing security processing by the system at a level based at least in part on the security factor value.

FIGS. 6 and 7 show flow diagrams of the process according to Rothrock's invention.

8. Regarding claims 10 and 28, Rothrock further discloses performing signature verification of the content license prior to determining if the user has rights to access the content (Claim 2).

9. Regarding claims 11 and 29, Rothrock further discloses module identification information field identifies a program module. Signature comprises the digital signature of the contents of the SBDF (signed binary description file) (FIG. 3 and column 5, lines 52-61).

10. Regarding claims 12-13 and 30-31, Rothrock inherently discloses validating the forwarded request based on other information therein and determining that the requested resource is available and/or can be provided.

11. Regarding claims 14-15 and 32-33, Rothrock further discloses an adaptive security table including one or more entries. Each entry includes at least a security factor identifier (ID) and corresponding factor value. Each security factor references a particular security defense or feature that may be provided by the security system operating on the user's machine (FIG. 5 and column 6, lines 51-56).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 6-8, 16-18, 24-26 and 34-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Rothrock in view of Mourad et al (US 7,171,558 B1, hereinafter Mourad).

15. Regarding to claims 6-8, 16-18, 24-26 and 34-36, Rothrock doesn't disclose the details of using a digest and a hashing function. However, Mourad discloses a method of certification using a code digest (FIG. 4 and column 6, line 21 – column 7, line 52) and a hashing function (column 6, lines 53 – 57). It would have been obvious to one of ordinary skill in the art to incorporate the teaching of Mourad into the system of Rothrock at the time of the invention to use a digest, a hashing function, and further two hashes to achieve better security.

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***Remarks***

The following pertaining arts are discovered and not used in this office action.

Office reserves the right to use these arts in later actions.

1. Hesselink et al. (US 7,120,692 B2), Access and Control System for Network-enabled Device.
2. Graunke et al. (US 6,105,137), Method and Apparatus for Integrity Verification, Authentication, and Secure Linkage of Software Modules.
3. Scheifler et al. (US 6,934,758 B2), Stack-Based Access Control Using Code and Executor Identifiers.



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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai  
29MAY2007

  
MARVIN M. LATEEF  
SUPERVISORY PATENT EXAMINER